

Message Text

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ACTION EB-07

INFO OCT-01 AF-10 EUR-12 ISO-00 SSO-00 NSCE-00 INRE-00

IO-13 CAB-02 CIAE-00 COME-00 DODE-00 DOTE-00

INR-07 NSAE-00 EPG-02 FAA-00 SS-15 PM-04 L-03

NSC-05 USIE-00 PA-01 PRS-01 SP-02 EA-07 NEA-10

OIC-02 ARA-06 /110 W

-----182013Z 067161 /41

O R 181540Z MAY 77

FM AMCONSUL MONTREAL

TO SECSTATE WASHDC IMMEDIATE 8971

INFO AMEMBASSY DAKAR

C O N F I D E N T I A L SECTION 1 OF 2 MONTREAL 789

E. O. 11652: GDS

TAGS: PORG, EAIR, ICAO

SUBJ: ICAO: COUNCIL CONSIDERATION CAR SAM REPORT INCLUDING

SAL/DAKAR ISSUE (CWP 6521)

REF: STATE 101321

1. SUMMARY: IN FOUR MEETINGS COUNCIL BOGGED IN PROCEDURAL/ TECHNICAL POLITICAL IMPASSE. FINALLY ADOPTED US COMPROMISE PROPOSAL "NOT TO TAKE ACTION ON RECS 6/3 Q) & R), AND TO RESUME DISCUSSIONS THIS ISSUE BASED ON REPORT OF PRES/COUNCIL IN DUE COURSE AFTER HE HAS USED HIS 'GOOD OFFICES' TO SEEK FURTHER INFORMATION FROM ALL INTERESTED PARTIES." US CONGRATULATED BY ALL FOR DIPLOMATIC LEADERSHIP. END SUMMARY.

2. COUNCIL MEETINGS UNDER EXTREME TENSION/PRESSURE. MANY SPECTATORS INCLUDED COMMISSIONERS (DISTURBED BY POSSIBILITY COUNCIL MIGHT OVERTURN THEIR RECOMMENDATION), SECRETARIAT (DEFENSIVE ABOUT CAR SAM AND COMMISSION RECOMMENDATIONS), MEMBERS IN-RESIDENCE DELEGATIONS/STAFF, AND VISITING ADVISOR-TEAMS. FRANCE MADE EARLY GOOF. WHEN PRES/COUNCIL ASKED FOR "GENERAL COMMENTS" ON ENTIRE CAR SAM REPORT (SOME 175 RECS), FRANCE GAVE CONFIDENTIAL

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LONG OPENING BLAST RE REC 6/3 AND SAL FIR.

3. REC 6/2 A) AND 6/3 BECAME TANGLED AT ONCE AND UNCONTROLLED DISCUSSION MOVED INTO BASIC 6/3 Q) R) ISSUE OF SAL/DAKAR. SENEGAL MADE OPENING STATEMENT WHICH WAS TECHNICAL/DETAILED AND HARSH, FOLLOWED BY CAPE VERDE, PORTUGAL, BRAZIL WHOSE STATEMENTS WERE MORE GENERAL AND "SNIPING." MOROCCO JUMPED IN SUPPORTING

SENEGAL, EMPHASIZING LEGAL ASPECTS OF ISSUE ESPECIALLY WHETHER CAR SAM HAD JURISDICTION COVERING RECS RE TWO AFI FIR'S. LEBANON SEEMED FAVORABLE TO DAKAR BUT INDICATED NEED FOR DISCUSSIONS AMONG PARTIES. SPAIN, WHICH SENEGAL HAD EXPECTED TO BE FAVORABLE WAS SLIGHTLY ON NEGATIVE SIDE BUT INDICATED NEED FOR REGIONAL COOPERATION. LONG SERIES OF CAUTIOUS, CAREFUL, NON-COMMITTAL INTERVENTIONS CAUSED MOUNTING TENSIONS. SECRETARIAT AND PRES/ COMMISSION THOUGH PREJUDICED IN FAVOR CAR SAM SAL RECOMMENDATION AS CONFIRMED BY ANC, STAYED HONEST (WITH HELP FROM US).

4. AUSTRALIA MADE EMOTIONAL INTERVENTION REGRETTING THAT ANC HAD NOT EXPLORED ALL ALTERNATIVES AND ANALYZED TECHNICAL IMPLICATIONS THOROUGHLY AND STATED THAT HE WOULD VOTE AGAINST THE SAL FIR RECOMMENDATION IF NECESSARY TO INDUCE THE REQUIRED TECHNICAL CONSIDERATIONS. HE THEN LEFT MEETING AND WOULD NOT HAVE BEEN THERE FOR THE VOTE IF ONE HAD BEEN TAKEN (FYI: SUBSEQUENTLY US REP LEARNED FROM AUS REP THAT "TWO MEMBER STATES NOT ON COUNCIL" (CAPE VERDE AND PORTUGAL) HAD CALLED ON HIM BEFORE MEETING TO REMIND HIM THAT SEPTEMBER ASSEMBLY WILL BE ELECTING NEW COUNCIL AND AUSTRALIA HAD BETTER REMEMBER THAT WHEN TAKING A POSITION. THIS MADE AUS REP EXTREMELY ANGRY (HE REFERRED TO IT AS "BLACKMAIL"). END FYI

5. MANY FEARFUL INTERVENTIONS REFERRED TO NEED FOR DISCUSSIONS AMONG PARTIES, MORE INFORMATION, COOPERATION BETWEEN PARTIES, ETC. ONLY SENEGAL, MOROCCO, AUS AND US SPOKE IN FAVOR STATUS QUO. HOWEVER, ONLY BRAZIL AND ONE OR TWO IMPLICATIONS FAVORED SAL. US INTERVENTION MADE FOLLOWING POINTS:
A) DID NOT QUESTION JURISDICTION CAR SAM BUT EXPRESSED CONCERN CONFIDENTIAL

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ABOUT "PRECEDENT" OF ONE REGION TAKING PRECIPITOUS ACTION RE TWO FIRS IN ANOTHER REGION;
B) RECALLED US COULDN'T PARTICIPATE FULLY AT CAR SAM BECAUSE PROPOSAL FLOATED AFTER MEETING BEGAN -- BUT VOTED FOR 6/2 A) IN HIGHER GEN COMMITTEE;
C) COMPLIMENTED SENEGAL FOR YEARS OF SHOULDERING BURDEN PROVIDING FIR, AS A NEWLY INDEPENDENT NATION, BUT SUGGESTED CAPE VERDE AS NEWLY INDEPENDENT NATION MIGHT HAVE SIMILAR PROBLEMS IF THEY UNDERTOOK FIR;
D) EXPRESSED REGRET THAT SENEGAL PROPOSAL AT CAR SAM (WP 59) FOR FURTHER DISCUSSIONS AND INFO THROUGH ICAO WAS NOT ACTED ON;
E) REVIEWED US EFFORTS TO OBTAIN FACTS/UNDERSTAND TECHNICAL ASPECTS, FOR ACHIEVING SAFEST POSSIBLE SERVICES TAKING INTO ACCOUNT COST-BENEFIT AND ICAO POLICIES; AND
F) DECLARED ON BALANCE, WE SUPPORT RETAINING STATUS QUO (DAKAR OCEANIC);
G) USREP POINTED OUT THAT OUR POSITION DID NOT PRECLUDE OUR SUPPORTING DISCUSSIONS AMONG ALL CONCERNED (IN DEFERENCE TO OBVIOUS POSITIONS OF OVERWHELMING MAJORITY).

6. USSR INTERVENTION WAS NOT THE PRO-CAPE VERDE APPROACH WE HAD EXPECTED. REP COMMENTED THAT THERE ARE "PROBLEMS WITH PRESENT ARRANGEMENT" BUT SUGGESTED FURTHER DISCUSSIONS WERE INDICATED BEFORE FINAL DECISION COULD BE TAKEN.

7. FYI: DURING COFFEE BREAK RUMORS CONTINUED CIRCULATE THAT IF ICAO "TURNED ITS BACK ON CAPE VERDE" THEY WOULD FALL INTO USSR ARMS, THAT USSR IS ALREADY BUILDING SUB-BASE THERE. USREP RESPONDED INFORMALLY THAT THOSE WERE NOT ISSUES FOR ICAO COUNCIL -- WE HAD TO BE CONCERNED WITH DECIDING SAFEST POSSIBLE SERVICES FOR INTERNATIONAL CIVIL AVIATION OPERATIONS. END FYI.

8. AFTER EXHAUSTIVE NON-COMMITTAL INTERVENTIONS, MOROCCO MADE FORMAL PROPOSAL SUPPORTED BY SENEGAL THAT COUNCIL APPROVE SAL FIR REC STATING THEY HOPED COUNCIL WOULD DO SO THUS MAKING CONFIDENTIAL

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CLEAR-CUT DECISION. THEY REQUESTED STATUTORY MAJORITY. FYI. THIS WAS SENEGAL'S WAY OF FORCING VOTE AND SAL DEFEAT. APPARENTLY BRAZIL WOULD NOT PROPOSE SAL BECAUSE HE KNEW IT WOULD LOSE. APPARENTLY SENEGAL/MOROCCO TEAM COULD NOT GET ANYONE ELSE TO MAKE PROPOSAL. END FYI.

9. BRAZIL PROMPTLY OFFERED PRIORITY MOTION RULES OF PROCEDURE 42A) 5) TO DEFER DISCUSSION AWAITING FURTHER INFO FROM PRES/COUNCIL. SUPPORTED BY SEVERAL. FYI. US REP HAD LEARNED BEFORE MTG AND LATER CONFIRMED THAT PRES/COUNCIL HAD ARRANGED FOR BRAZIL TO MAKE PROPOSAL FOR DEFERMENT BECAUSE PRES DIDN'T WANT CONFRONTATION, AND YES/NO VOTE. END FYI.

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ACTION EB-07

INFO OCT-01 AF-10 ARA-06 EA-07 EUR-12 NEA-10 ISO-00
SSO-00 NSCE-00 INRE-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-07 NSAE-00 EPG-02 FAA-00 SS-15
PM-04 L-03 NSC-05 USIE-00 PA-01 PRS-01 SP-02
OIC-02 IO-13 /110 W

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O R 181540Z MAY 77

FM AMCONSUL MONTREAL

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INFO AMEMBASSY DAKAR

C O N F I D E N T I A L SECTION 2 OF 2 MONTREAL 789

10. SENEGAL REP TURNED HIS CHAIR OVER TO "LEGAL EXPERT" FROM AMONG HIS FOUR SENEGAL/ASECNA ADVISORS, FOR PRESENTATION ON APPLICABILITY RULES 47 AND 43 RATHER THAN 42D). THIS REQUIRED RULING FROM CHAIR RE ACCREDITATION OF ADVISOR. PRES STARTED TO DENY RECOGNITION BUT SECGEN CONFIRMED TO HIM THAT WRITTEN ACCREDITATION HAD BEEN RECEIVED BEFORE MTG. PRES SOUGHT US REP APPROVAL VIA SIGN LANGUAGE BEFORE RECOGNIZING SENEGAL. LEGAL PRESENTATION WAS VERY GOOD BUT LONG AND TEDIOUS AND WOULD HAVE BEEN MORE APPROPRIATE IN ACADEMIC REVIEW OF THE RULES. (LATER SOME COUNCIL REPS EXPRESSED OPINION THAT "OUTSIDER" SHOULD NOT HAVE INTERVENED ON "INTERNAL COUNCIL MATTER.").

11. NOOSE TIGHTENED PROCEDURALLY WITH FRANCE PUTTING A HIGHER PRIORITY MOTION 42A)4) FOR THIRTY-MINUTE RECESS. ITALY REQUEST FOR FURTHER PROPOSALS FOR CONSIDERATION DURING BREAK WAS RULED OUT OF ORDER.

12. DURING BREAK WAS CLEAR TO US THAT COUNCIL WAS MILLING AROUND WITH DIRECTION. WE EXPLAINED TO MOROCCO AND SENEGAL THAT BRAZIL'S PREFERRED MOTION WOULD CARRY IN COUNCIL AND WOULD MEAN RETURNING DIRECTLY TO ANC REC FOR SAL FIR WHEN DISCUSSIONS RESUMED. US REP EXPLAINED TO BRAZIL THAT MOROCCO/SENEGAL PROPOSAL CONFIDENTIAL

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CLEARLY INDICATED DEFEAT FOR SAL PROPOSAL AND IT WAS BETTER TO CLEAR PLATE AND ASK PRES USE "GOOD OFFICES." EACH TOLD US THEY WOULD WITHDRAW IF OTHER DID. WE WROTE LANGUAGE, CLEARED WITH PRES AND KEY COUNCIL REPS AND OFFERED "SUGGESTION" WHEN COUNCIL RECONVENED, MAKING OPEN APPEAL TO SENEGAL AND BRAZIL TO WITHDRAW IN FAVOR US WHICH THEY DID IN LONG STATEMENTS. (BRAZIL REP FOUND IT MOST DIFFICULT AND KEPT INTERVENING FOR FURTHER REASSURANCES.) AFTER MANY SUPPORTS, COUNCIL ACCEPTED US "SUGGESTION" BY CONSENSUS WITH GREAT SIGH RELIEF. (NO ONE THOUGHT TO POINT OUT THAT PROCEDURALLY NO PROPOSAL HAD BEEN MADE.)

13. VERY SLOWLY, CAREFULLY PRES/COUNCIL ASKED, SINCE WE HAD DISPOSED OF REC 6/3 COULD WE MOVE ON TO NEXT ITEM. BRAZIL EXPLODED YELLING WE HAD NOT "DISPOSED OF" REC 6/3 BUT WOULD CONSIDER IT AGAIN AFTER PRES' REPORT. PRES MADE MATTERS WORSE, AND US REP HAD TO INTERRUPT BOTH TO EXPLAIN THAT PRES ALWAYS USED PHRASE "DISPOSED OF" WHEN DELIBERATIONS FINISHED ON AN ITEM, AND

REASSURED BRAZIL. COUNCIL COOLED. PRES ANNOUNCED WE WOULD "TURN TO" NEXT ITEM.

14. CANADA TOOK FLOOR SUGGESTING WE "CLEAN UP" LANGUAGE IN US PROPOSAL ON SAL FIR "IN VIEW OF SOME INTERVENTIONS." AFTER SEVERAL MOMENTS STUNNED SILENCE, COUNCIL MEMBERS LET OUT LOUD GROANS AND WAILS. PRES BURST INTO HYSTERICAL LAUGHTER. CANADA REP LEFT MEETING EARLY AFTER PRES PASSED OVER HIS INTERVENTION. FYI. GOC POSITION WAS NEVER CLEAR. JUST BEFORE MTG REP TOLD US THAT "OTTAWA AND WASHINGTON HAD ALIGNED OUR POSITIONS" AND HE WOULD ABSTAIN WITH US (?). US REP WOULD APPRECIATE SOME COMMENT FROM DEPT FOR FUTURE REFERENCE. END FYI.

15. FYI. IF SENEGAL PROPOSAL FOR APPROVAL OF SAL FIR HAD GONE TO VOTE, RESULT UNDOUBTEDLY WOULD HAVE BEEN 1 FOR (BRAZIL), 4 AGAINST (SENEGAL, MOROCCO, FRANCE, US, WITH AUS ABSENT) AND 25 ABSTENTIONS (WHICH STATUTORY MAJORITY MADE EASIER). NEXT STEP WOULD HAVE UNDOUBTEDLY HAVE BEEN PRES' "GOOD OFFICES." CONFIDENTIAL

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BRAZIL PROCEDURAL MOTION TO CONTINUE CONSIDERATION SAL REC AT LATER DATE WOULD HAVE CARRIED 26 FOR, 4 AGAINST (?), WITH EMPHASIS STILL ON OUTSTANDING REC, AND SENEGAL PROPOSAL STILL LOOMING BACKGROUND. END FYI.

16. IMMEDIATELY AFTER MTG AND FOR PAST FEW DAYS US RECEIVED MANY CONGRATULATIONS: "A GREAT SERVICE TO COUNCIL", "A GREAT PERFORMANCE", "GREAT SERVICE TO INTERNATIONAL AVIATION", "DID PRES' WORK FOR HIM", "GREAT US LEADERSHIP" ETC. THESE CAME FROM SUCH DIVERSE SOURCES AS YUGOSLAVIA, LEBANON, ARGENTINA, UK, USSR (GREATLY RELIEVED THEY DIDN'T HAVE TO CHOOSE BETWEEN CAPE VERDE AND SENEGAL COUNCIL MEMBER*), CHINA, AUSTRALIA, INDONESIA, ETC.

17. SENEGAL AND BRAZIL WERE EXTREMELY PLEASED TO BE EXTRICATED FROM RIDICULOUS PROPOSALS. SENEGAL REP SAID HIS FOREIGN MINISTER WAS ADVISED IMMEDIATELY OF US SUPPORT AND EFFECTIVE ASSISTANCE "TO VERY LAST MINUTE" AND FORMAL LETTER WILL GO DIRECTLY TO USG. TOP GOS INTEREST REFLECTED IN PERSONAL LETTER FROM PRES/SENGHOR TO PRES/COUNCIL ON THIS ISSUE. END FYI. PRES COUNCIL GREATLY PLEASED THAT HE WAS RELIEVED OF CONFRONTATION, AND WAS GIVEN "GOOD OFFICES" RESPONSIBILITY. (HE IS RUNNING FOR REELECTION IN SEPTEMBER). CAPE VERDE/PORTUGAL SOMEWHAT RELIEVED NOT TO HAVE BEEN VOTED DOWN, BUT SOMEWHAT UNHAPPY THAT BRAZIL BACKED DOWN AND SAL RECOMMENDATION SET ASIDE IN DEFERENCE TO PRES' REPORT. THIRD-WORLD/LDC'S RELIEVED NOT TO HAVE TO TAKE SIDES BETWEEN "TWO OF THEIR OWN," WHICH THEY STATED MATTER OF FACTLY IN INTERVENTIONS. (ALSO, THEY UNDOUBTEDLY WANTED TO AVOID CROSSING POWERFUL SENEGAL COUNCIL REP).

18. FYI. DAY AFTER DECISION PRES/COUNCIL TOLD US REP THAT
SENEGAL "HAS ALREADY MADE VERY GENEROUS OFFER TO CAPE VERDE"
(APPARENTLY ON SHARING USER CHARGERS) AND PRES WILL TRY TO FIND
BASIS FOR FINAL SOLUTION WHILE AT AFCAC AND ENROUTE. HE
HAS ALREADY LEFT MONTREAL. END FYI.

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19. US TEAMWORK LED TO SUPERB OUTCOME ON THIS PHASE OF DIFFICULT
ISSUE, AND US REP WISHES EXPRESS APPRECIATION TO DEPT, FAA AND
EMBASSY/DAKAR. SEE SEPTTEL FOR ON-GOING INVOLVEMENT.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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Current Classification: UNCLASSIFIED
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Control Number: n/a
Copy: SINGLE
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Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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Enclosure: n/a
Executive Order: GS
Errors: N/A
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TAGS: PORG, EAIR, US, ICAO
To: STATE
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